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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,903	08/30/2001	Serge Ioffe	005642.P003	2085
56188	7590	11/30/2005	EXAMINER	
GREENBERG TRAURIG, LLP 1900 UNIVERSITY AVENUE FIFTH FLOOR EAST PALO ALTO, CA 94303			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,903

Applicant(s)

IOFFE ET AL

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/9/2005 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 7, and 13 lacks written description in the description of how to analyze the

received messages in order to divide or subdivide content(s) of a specific message or thematically subdividing the message into a plurality of sections.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 19 recites the limitation " supporting information " in claim 1. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 is vague and indefinite because it is unclear how to augment the subdivided section of the message with supporting information.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being unpatentable over Beck (U.S. 6,138,139).

Beck discloses claims:

1. A method comprising:

receiving a message in a data communication system; (187)

thematically subdividing the message into a plurality of sections based on an analysis of content in the message; (89 and col.19, line 18-col.20, line 8 “repository 187 is divided logically into two sections”) and

sending a subdivided section of the plurality of sections of the message via the data communication system to an agent based on the analysis of content. (31-37)

2. The method of claim 1, wherein the agent provides a response to the subdivided section.

(col.9, line 37- “Parsing text messages is accomplished via a text-analyzer known to the inventor.

In other non-text media types, such as video or graphics, descriptive notes may be taken via live attendant and stored in DB 79 as previously mentioned. Voice recognition technology may also be used in a case of recorded sound or video with sound. All transactions regardless of media type are thus recorded and stored according to enterprise rules with at least a meaningful part of the content if not all of the content of such transactions converted to text and stored in DB 79 associated with the recording of the event. Again, the importance of the text version is that the extracted knowledge of the transaction therein is in machine-operable code, allowing search and cross-referencing functions that may otherwise not be possible. After incoming events are analyzed and processed with regards to queuing, recording, storing, etc. CINOS decides the

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disposition paths of each event. For example, live calls in queue are routed to live agents if available, if this is the priority action in the enterprise rules. E-mails are either routed to next available agents using a push technology, or simply stored in MIS server 79 where they may be retrieved by agents after receiving notification. Recorded events such as IVR voice requests are stored in MIS server 79 where they may be retrieved by agents, and so on.”)

3. The method of claim 2, wherein the subdivided section of the message is reviewed again to determine if a subsequent response is needed. (col.11, line 40- “Internal media layer 87 provides an agent with, among other options, information about the customer or contact, information about current or (40) historical business processes, information about current interactions and their relationship to business processes, and a knowledge-base to guide the agent or knowledge worker with interaction response and workflow. An agent a, and agent b, and a knowledge worker c are shown herein interacting with the system as illustrated via bi-directional arrows. The skilled artisan will recognize these are merely examples, and there may be many more such persons, and interactions in some instances may be routed to machines for response.”)

4. The method of claim 3, wherein if a subsequent response is needed, the subdivided section sections the message axis sent again to an agent to provide the subsequent response. (col.11, line 40-col.12, line 3)

5. The method of claim 1, wherein the analysis message to determine if the subdivided sections of the message have been responded to. (see customer agents)

6. The method of claim 5, wherein the subdivided section of the message not having been responded to by an agent axis sent again to an agent to provide a response. (col.11, line 40-col.12, line 3)

7. A machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine to perform a method, the method comprising: receiving a message in a data communication system; thematically subdividing the message into a plurality of sections based on an analysis of content in the message; and sending a subdivided section of the plurality of sections of the message via the data communication system to an agent based on the analysis of content. (Claim 7 is similarly rejected as in claim 1)

8. The machine-readable medium of claim 7, wherein the agent provides a response to the subdivided section. (col.9, line 37-col.10, line 47)

9. The machine-readable medium of claim 8, wherein the subdivided section of the message axis reviewed again to determine if a subsequent response is needed. (col.11, line 40-col.12, line 3)

10. The machine-readable medium of claim 9, wherein if a subsequent response is needed, the subdivided section of the message is sent again to an agent to provide the subsequent response. (col.11, line 40-col.12, line 3; fig.15, aget 1, agent 2, agent 3, and method steps 301)

11. The machine-readable medium of claim 7, wherein the analysis to determine if the subdivided sections of the message have been responded to. (see agent(s)/customer service)

12. The machine-readable medium of claim 11, wherein the subdivided section of the message not having been responded to by an agent is sent again to an agent to provide a response. (col.11, line 40-col.12, line 3; “historical business processes, information about current interactions and their relationship to business processes, and a knowledge-base to guide the agent or knowledge worker with interaction response and workflow. An agent a, and agent b, and a knowledge worker c are shown herein interacting with the system as illustrated via bi-directional arrows. The skilled artisan will recognize these are merely examples, and there may be many more such persons, and interactions in some instances may be routed to machines for response.”)

13. A system comprising:

a first unit to store a message sent from a message sender;

a parser to thematically subdivide the message into a plurality of sections based on a message analysis; and a router to route tea subdivided section of the plurality of sections of the message to an agent appropriate for the subdivided section. (claim 13 is similarly rejected as in claim 1)

14. The system of claim 13, wherein the agent provides a response to the subdivided section. (col.9, line 37- “Parsing text messages is accomplished via a text-analyzer known to the inventor. In other non-text media types, such as video or graphics, descriptive notes may be taken via live attendant and stored in DB 79 as previously mentioned. Voice recognition technology may also be used in a case of recorded sound or video with sound. All transactions regardless of media

type are thus recorded and stored according to enterprise rules with at least a meaningful part of the content if not all of the content of such transactions converted to text and stored in DB 79 associated with the recording of the event. Again, the importance of the text version is that the extracted knowledge of the transaction therein is in machine-operable code, allowing search and cross-referencing functions that may otherwise not be possible. After incoming events are analyzed and processed with regards to queuing, recording, storing, etc. CINOS decides the disposition paths of each event. For example, live calls in queue are routed to live agents if available, if this is the priority action in the enterprise rules. E-mails are either routed to next available agents using a push technology, or simply stored in MIS server 79 where they may be retrieved by agents after receiving notification. Recorded events such as IVR voice requests are stored in MIS server 79 where they may be retrieved by agents, and so on.”)

15. The system of claim 14, wherein the subdivided section of the message axis reviewed again to determine if a subsequent response is needed. (col.11, line 40-col.12, line 3)

16. The system of claim 15, wherein if a subsequent response is needed, the subdivided section of the message is sent again to an agent to provide the subsequent response. (col.11, line 40-col.12, line 3)

17. The system of claim 13, wherein the analysis is to determine if the subdivided sections of the message have been responded to. (col.11, line 40-col.12, line 3)

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18. The system of claim 17, wherein the subdivided section of the message not having been responded to by an agent axis sent again to an agent to provide a response. (col.11, line 40- col.12, line 3)

19. The method of claim 1, further comprising: augmenting the subdivided section of the message with supporting information.

20. The method of claim 19, wherein the data communication comprises a workflow system.

21. The method of claim 1, further comprising: escalating the message if the message is not responded to after a predetermined period of time.

22. The method of claim 21, further comprising:
tracking responses to the message as a whole to determine whether the message is responded to in a predetermined period of time.

Response to Arguments

9. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. The examiner can normally be reached on 7:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/18/05

JEFFREY PWU
EXAMINER